



Annual Report 2021-2022



Comité consultatif pour l'environnement de la Baie James
James Bay Advisory Committee on the Environment
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**JAMES BAY ADVISORY COMMITTEE ON THE
ENVIRONMENT (JBACE)**

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List of Acronyms

BAPE	Bureau d'audiences publiques sur l'environnement
CIRNAC	Crown-Indigenous Relations and Northern Affairs Canada
CNG	Cree Nation Government
DSC	Deposit and selective collection
DFO	Fisheries and Oceans Canada
ECCC	Environment and Climate Change Canada
EIJBRG	Eeyou Istchee James Bay Regional Government
IAAC	Impact Assessment Agency of Canada
JBACE	James Bay Advisory Committee on the Environment
JBNQA	James Bay and Northern Québec Agreement
MAMH	Ministère des Affaires municipales et de l'Habitation
MELCC	Ministère de l'Environnement et de la Lutte contre les changements climatiques
MERN	Ministère de l'Énergie et des Ressources naturelles
MFFP	Ministère des Forêts, de la Faune et des Parcs
PAFIT	Tactical Plan for Integrated Forest Development ("Plan d'aménagement forestier intégré tactique" in French)



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March 31, 2022

The Honourable Steven Guilbeault
Minister
Environment and Climate Change Canada

Mister Benoit Charette
Minister
Ministère de l'Environnement et de la Lutte contre les changements climatiques

Madam Mandy Gull-Masty
Grand Chief
Grand Council of the Crees (Eeyou Istchee) / Cree Nation Government

Ministers Guilbeault and Charette,
Grand Chief Gull-Masty,

I am pleased to send you the report of the activities of the James Bay Advisory Committee on the Environment for the year ended March 31, 2022.

Yours sincerely,

Melissa Saganash
Chair



Chairperson's Message

It is with pleasure that I present to you on behalf of the Committee members the activity report of the James Bay Environmental Advisory Committee (JBACE) for the 2021-2022 fiscal year.

Although we have been subject to challenges brought by the global pandemic that has limited travel to the territory, the JBACE has nonetheless remained active on many fronts. Over the past year, we have continued the momentum that had begun on important issues, notably on climate change and cumulative effects. We look forward to sharing these developments with you in 2022-2023.

In the Fall of 2021, the JBACE Special Commission and BAPE Commission carried out a mandate to hold an inquiry and public hearing on the current status and management of final waste within the territory covered by Section 22 of the James Bay and Northern Quebec Agreement (JBNQA). A final report was jointly filed and included in the BAPE's final report published in January 2022. The participation of the Cree Nation in initiatives such as this one is a concrete example of how a collaborative structure that requires participation of all parties; a foundational component and principle of the JBNQA's section 22.

The JBACE also participated in several reviews and development of regulatory framework from both the provincial and federal governments such as: Ministère de la Faune, des Forêts et

des Parcs (MFFP) Tactical Plans for Integrated Forest Development, commonly known as PAFIT, as well as their proposed policy for relations with Aboriginal nations and communities, the Ministère de l'Environnement et de la Lutte contre les changements climatiques (MELCC) modernization of deposit and collective selection and Bill 102 that would amend the *Mining Act*, and the Ministère des Affaires municipales et de l'Habitation (MAMH) who has initiated a National urban and land-use planning strategy.

On the federal front, the JBACE has participated in the *Fisheries Act* with the Fisheries and Oceans Canada (DFO) where we reiterated the importance of communication and coordination of efforts as well as a review and commentary on Environment and Climate Change Canada (ECCC) draft Regulation prohibiting single-use plastics.

Our Secretariat is critical to the efficiency and ability of the JBACE to fulfill its mandate as outlined in Section 22 of the James Bay and Northern Quebec Agreement. We would like to thank our dedicated Secretariat team who, despite the challenges, ensured daily, quality support to our Committee members, as well as to the many collaborators and advisors who have adapted their services and lent their expertise to our members.

We also look forward to returning to Eeyou Istchee to meet community members and learn more about local initiatives and successes as well as to the new year ahead of us at the JBACE.

Sincerely,
Melissa Saganash

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Photo Credit: Neil Diamond



Photo Credit: Ernest Webb





Background

Section 22 of the *James Bay and Northern Québec Agreement* (JBNQA) establishes an environmental and social protection regime to minimize the negative impact of development on the environment, wildlife resources and Cree rights. The processes established under Section 22 are intended, among other things, to protect the rights and safeguards under the hunting, fishing and trapping regime of Section 24 of the JBNQA. The environmental and social laws and regulations and the environmental and social impact assessment and review process must allow for development that is consistent and compatible with these objectives.

The James Bay Advisory Committee on the Environment (JBACE) is mandated to oversee the administration and management of the environmental and social protection regime of the JBNQA. The JBACE is also the preferential and official advisory forum for responsible governments concerning the Territory covered by Section 22 of the JBNQA (see map on p. v). As such, the Committee provides them with advice and guidance concerning the development of policies, laws and regulations that may affect the environment or the communities in the Territory. It also studies the mechanisms and processes of environmental and social impact assessment and review to ensure that, among other things, the respect of the Cree special status of participation. Finally, the JBACE provides local governments with technical and scientific information, advice or technical assistance by soliciting relevant government agencies.

The JBACE's activities, recommendations, and advices are guided by the guiding principles of Section 22 of the JBNQA and are developed based on the expected outcomes for each of the four areas of activities from the 2018-2023 strategic plan:

1. Modernization and optimization of the Section 22 environmental and social impact assessment and review procedure;
2. Reinforce the JBACE's strategic partnerships in the region;
3. Increase awareness and dissemination of environmental and social issues linked to the Territory; and
4. Ensure coherence between land use planning and management initiatives and the Section 22 regime.

The 2018-2023 Strategic Plan is available on the JBACE website at www.ccebj-jbace.ca.



Summary of Activities

Provincial initiatives

Waste material management

Commission of the Bureau d'audiences publiques sur l'environnement

During the spring and summer of 2021, the Bureau d'audiences publiques sur l'environnement (BAPE) held an inquiry and a public hearing on the current status and management of final waste. The mandate of the BAPE covered the entire territory of the province of Quebec, including the territory covered by Section 22 of the JBNQA. As the *"privileged and official forum for responsible governments in the Territory regarding the development of laws and regulations aimed at the protection of the environment and the social environment"*¹, the JBACE received an invitation letter in January 2021. Following discussions between the parties, a memorandum of understanding was signed in September 2021 between the BAPE Commission and the JBACE in order to jointly conduct the portion of the BAPE investigation concerning the territory of covered by Section 22.

The JBACE Secretariat worked in collaboration with the BAPE Commission team to organize a virtual public hearing that was held on September 16, 2021. The participants in the hearing were not only from the Cree communities, but also from Jamesian municipalities and localities. The Cree Nation Government and the Eeyou Istchee James Bay Regional Government (EIJBRG) were also represented. The participants had the

opportunity to present the local realities and their concerns regarding the management of residual materials on the territory.

During the fall of 2021, the JBACE Special Commission and the BAPE Commission worked together to draft part of Chapter 11, entitled *"Waste Management in Territories Under Agreements"*. A letter formalizing the tabling of the joint report was signed by the two commissions in November 2021. The BAPE's final report on *L'État des lieux et la gestion des résidus ultimes* was published in January 2022.

Modernization of deposit and collective selection

In the fall of 2020, the Ministère de l'Environnement et de la Lutte contre les changements climatiques (MELCC) began work as part of the modernization of the deposit and selective collection (DSC) systems. During the spring and summer of 2021, the JBACE took part in the meetings of the joint deposit committee and working group #4 (legal and regulatory changes and specific terms of application) for the selective collection.

Following the assent of Bill 65, *An Act to amend mainly the Environment Quality Act with regard to deposits and selective collection* in March 2021, work continued to develop the draft regulations for implementation which were published in January 2022.

After the information meetings in February on the draft regulations, the JBACE submitted its comments to the MELCC. The committee first emphasized its support for the implementation of DSC systems in all regions of Quebec and

¹ According to the JBACE mandate as described in paragraph 22.3.24 of the JBNQA.

welcomed the MELCC's willingness to implement services specially adapted to isolated and remote regions that take into account their geographic, demographic, cultural and linguistic realities. Secondly, the committee recommended the establishment of a regional monitoring committee responsible for both systems and, for the provincial committees, a reserved seat for the Territory. Finally, the JBACE requested that there be a clarification of jurisdictions based on the agreements in place in the territory. Indeed, the draft regulations assume that EIJBRC would be the regional entity to work with the designated management bodies, but it is not the competent authority for the whole Territory. It will thus be necessary to take into account the particularities relating to the powers and jurisdictions of the various authorities on the territory subject to the land regime established by the JBNQA (categories I, II, III).

Review of the Ministère de la Faune, des Forêts et des Parcs' (MFFP's) Tactical Plans for Integrated Forest Development

One of the mandates of the JBACE is to review and comment on the Tactical Plans for Integrated Forest Development ('PAFITs')² covering the territory subject to Section 22 of the JBNQA, prior to their ministerial approval. The review of tactical plans is a recurring file and a specificity of the JBACE mandate. JBACE reviews consider several important topics of importance for the Territory (e.g., wildlife resources, access to the Territory) and are focused on improving forest planning and management processes. With the 2018-2023 PAFITs review April 2019, the JBACE has been working throughout 2021-2022 to prepare for the next review. During the winter of 2022, the secretariat began planning a workshop that is scheduled for April 2022 in preparation for the filing of the draft 2023-2028 PAFITs, which is expected to take place in the fall of 2022.



² The "Plans d'aménagement forestier intégré tactiques," in French. These plans are most commonly referred to using their French acronyms – 'PAFITs.'

Forest management

In October 2021, the MFFP launched a consultation on the draft *Climate Change Adaptation Strategy for Forest Management*. In January 2022, the JBACE sent its comments recommending clarification of the links between forestry, wildlife, roads and the MELCC's strategic initiatives. In addition, the JBACE suggested that the MFFP assess the possibility of developing an implementation plan in order to raise awareness among stakeholders (among other things), and also to review regeneration and productivity projections.

Bill 102 – An Act mainly to reinforce the enforcement of environmental and dam safety legislation, to ensure the responsible management of pesticides and to implement certain measures of the 2030 Plan for a Green Economy concerning zero emission vehicles

Bill 102 was presented to the Assemblée nationale by the Minister of the MELCC on October 5, 2021. This omnibus bill should amend several laws, including the *Mining Act*. Certain proposals in Bill 102 were the subject of comments by the JBACE in order to enhance the consideration of northern realities and the perspectives of northern organizations and communities concerning, in particular, the amendment of section 53 of the *Environment Quality Act* in order to allow the development of a regulation to limit or prohibit the sale of certain categories of vehicles using fossil fuels and the new authorization under the revised *Mining Act*.

In December 2021, the JBACE was informed of developments in the context of the study of Bill 102, particularly concerning certain amendments to the *Mining Act*. Comments were sent to the Committee on Transportation and the Environment to reaffirm the importance of implementing authorizations for impact exploration work on territories subject to the

JBNQA and that the criteria and activities covered be defined by regulation. The JBACE took the opportunity to reiterate the importance of consulting the communities of the territory, one of the fundamental principles of Section 22 of the JBNQA. It also reiterated that the Crees enjoy a special status of participation beyond what is provided for in proceedings involving the general public, through consultation or representative mechanisms.

National urban and land use planning strategy

In April 2021, the Ministère des Affaires municipales et de l'Habitation (MAMH) sent an invitation to the JBACE to participate in the process of developing a *National urban planning and land development strategy*. A discussion meeting was held between MAMH officials and interest groups later in the same month. During this meeting, the MAMH presented the different axes and process for developing the strategy. Following the publication of the consultation document in July 2021 and a meeting with the MAMH in September, the JBACE sent its comments on the suggested axes and orientations.

In its comments, the JBACE supports the development of a *National urban and land use planning strategy*. The committee mentioned that the Strategy will have to adopt a global vision of Quebec, taking into account the particularities of the different territories of the province. The latter will have to seek a balance between development and conservation and advocate the integration of the different uses of the territories. It must also account for the various existing policies, programs and agreements, as well as those in development. Finally, the JBACE reiterated the importance of supporting and collaborating with communities, which will be essential for the implementation of the Strategy moving forward.

MFFP's policy for relations with the Aboriginal nations and communities

On March 30, 2021, the JBACE was invited to participate in consultation activities as part of the development of the MFFP's policy for relations with the Aboriginal nations and communities. A meeting was held in May 2021;



Photo Credit: Neil Diamond



several JBACE members attended. During the summer of 2021, a number of internal meetings were held to discuss the file. The JBACE did not send any comments at that stage of the consultation. However, the committee will be ready to comment on the draft policy when it is available.

Ongoing or paused files

Some files are in their early stages of development or are not active at this time. Among these, we find the Northern Conservation Areas Designation Mechanism. In this case, the JBACE is waiting for the mechanism to be tabled and will provide comments if necessary.

The JBACE has also been invited to participate in the work of the Independent Commission on Woodland and Mountain Caribou in March 2022. At the time of writing the Annual Report, members were still evaluating the file.

Federal initiatives

Fisheries Act

The JBACE has been engaged in discussions regarding the review and implementation of the *Fisheries Act* for many years. During the year 2021-2022, the JBACE participated in the engagement initiatives of the Fisheries and Oceans Canada (DFO) which began in 2020 and continued throughout the year. A number of important discussions and exchanges of comments between the JBACE and DFO have taken place over the past few months regarding the implementation of tools, policies and regulations. For example, meetings between the JBACE and DFO representatives were held in June 2021. Subsequently, the committee sent comments on the offsetting and habitat banking policies (December 2021), on Cumulative Effects (September 2021), draft *Prescribed Works and Waters Regulation*, Codes of Practice, Public Registry, and Engagement Framework (via the online platform in the Spring and Summer 2021). Comments focused primarily on Cree participation, open communication and coordination of efforts between the various parties (in accordance with the guiding principles of Section 22 and the provisions of Section 24 of the JBNQA).

Environment and Climate Change Canada (ECCC) initiatives

In December 2021, the JBACE was invited to comment on the draft *Regulation prohibiting single-use plastics*. The members of the committee studied the draft regulation and sent their comments in March 2022. Therein, the JBACE supported and welcomed efforts to reduce plastic pollution. On the other hand, the members highlighted their concerns regarding the additional costs that will be generated by the adoption of the regulation and the fact that these will be passed on to consumers, which could have a greater impact in northern and remote communities. ECCC will need to remain very sensitive to this reality as it implements the regulation, while ensuring that these communities have fair and continued access to alternatives to single-use plastic products. In addition, the JBACE reiterated the importance of collaboration and coordination between all levels of government.

Other JBACE initiatives

Climate change

Following the Cree Nation consultation for the development of the Electrification and Climate Change Plan held in Ouje-Bougoumou in 2019, the JBACE is working on a climate change fact sheet based on the 2018 Ouranos report as well as other local initiatives. The fact sheet is expected to be completed in the first half of 2022-2023.

Cumulative effects

For several years, the JBACE has been interested in the consideration of cumulative effects when developing laws, regulations, policies and programs that have an impact on the Territory. An internal reflection on the issue was initiated in recent years to identify the priority issues for which documentary resources (internal and external) are available. This work

will continue in 2022-2023 and will make it possible to optimize the JBACE's work in order to offer possible solutions or actions for the consideration of cumulative effects.

Meeting with the Administrators

During the 223rd meeting of the JBACE which was held on March 17, 2022, the members successively met with the federal and provincial administrators. These meetings provided an opportunity to exchange on important JBACE files (e.g., climate change, cumulative effects) and on how to optimize communications between the JBACE and the ministries/ departments. Annual meetings should be planned in the future.

JBACE mission

As a result of discussions undertaken during the 2020-2021 year, a working subcommittee was established to focus on the development of a mission statement for the JBACE. The objective of the work was to develop a statement, guided by the JBACE's mandate under the JBNQA, that would be as clear and concise as possible for use in future communications from the committee. This was adopted in June 2021.

Members also began to identify priority issues that will form the basis of the next five-year strategic plan to be developed in the coming year.



Conclusion

During the 2021-2022 year, many issues and initiatives were brought to the attention of the JBACE. While the committee was able to process many of these, unfortunately, many had to be set aside after an internal evaluation, due to the nature of the committee's mandate, the resources available, the short deadlines, and the timeliness of the assistance that the JBACE can provide.

Like last year, the year 2021-2022 was marked by the challenges created by the COVID-19 pandemic that members and the Secretariat had to adapt to. Many of the JBACE's activities had to be postponed, particularly face-to-face meetings and visits to the Territory. However, this did not prevent the committee from continuing its work and commenting on numerous federal and provincial initiatives, as well as advancing certain files internally.

Over the course of 2022-2023, activities should gradually return to normal, beginning with in-person meetings and meetings in the Territory.



Photo Credit: Neil Diamond





Appendices

Appendix 1: Actions by area of activities

Area of activity	Action
Modernization and optimization of the Section 22 environmental and social impact assessment and review procedure.	- Bill 102 - MFFP's policy for relations with the Aboriginal nations and communities <i>Fisheries Act</i> - ECCC initiatives - Cumulative impacts
Reinforce the JBACE's strategic partnerships in the region.	- BAPE Commission on the current status and management of final waste - Meetings with the Administrators
Increase awareness and dissemination of environmental and social issues linked to the Territory.	- BAPE Commission on the current status and management of final waste - Modernization of the deposit and the selective collection systems - MFFP's policy for relations with the Aboriginal nations and communities - National urban and land use planning strategy - ECCC initiatives - Fact sheet on climate change
Ensure coherence between land use planning and management initiatives and the Section 22 regime.	- Preparation for the review of the PAFITs - Forest management planning - National urban and land use planning strategy

Appendix 2: Presentations given to the JBACE

Presentation given by	Date	Topic
Sara Marmen, MELCC	September 15, 2021	Northern Conservation Areas Designation Mechanism
Daniel Gendron, MELCC	September 15, 2021	Mid-Canada Line



Appendix 3: Composition and meetings of the JBACE

Composition of the JBACE

Members appointed by the Cree Nation Government

Marc Dunn, Niskamoon Corporation	Melissa Saganash, CNG, Chair
Kelly LeBlanc, CNG	Flora Weistche, CNG, Vice-Chair (since September 2021)
Chantal Otter Tétreault, CNG, Vice-Chair (until June 2021)	

Members appointed by the Gouvernement du Québec

Caroline Chabot, MFFP (until September 2021)	Manon Cyr, Ville de Chibougamau
Mélanie Chabot, MELCC (until November 2021)	Brigitte Goulet, MELCC (since April 2021)
Vanessa Chalifour (since November 2021)	Mélanie Savoie, MERN (since November 2021)

Members appointed by the Government of Canada

Suzie Boudreau, DFO	Madeleine Green, CIRNAC, Vice-Chair
Alexandre-Guy Côté, ECCC	Audrée Ross, IAAC (until May 2021)
Elisabeth Gill, IAAC (since June 2021)	

Ex-Officio Members

Mandy Gull, CNG

Secretariat

Michèle Leduc-Lapierre, Executive Director
Graeme Morin, Environmental Analyst
Eva Wolf, Secretariat Officer

Composition of the subcommittees

The list of the JBACE subcommittees and their composition is available at:
www.ccebj-jbace.ca/en/about-us/composition

JBACE Meetings

The Committee held four meetings in 2021-2022:

220 th meeting	Videoconference, June 9, 2021
221 st meeting	Videoconference, September 15, 2021
222 nd meeting	Videoconference, November 29, 2021
223 rd meeting	Videoconference, March 17, 2021

Appendix 4: Statement of financial activities for the Fiscal Year that Ended on March 31, 2022

(Unaudited – see notice to reader*)

INCOME

Subsidy from MELCC, CEAA and CNG

JBACE secretariat	\$331,000
COMEV secretariat	\$30,000

Total income

\$361,000

OPERATING EXPENDITURES

Salaries, wages and benefits	\$225,990
Travel expenses	\$883
Insurance	\$521
Rent (office space)	\$31,552
Telecommunications	\$2,670
Dues, fees, memberships, conferences	\$1,609
Translation	\$0
Reprography	\$3,912
Messenger services, postage	\$77
Office supplies, furniture and computer equipment	\$12,514
Training	\$676
Website	\$385
Professional fees and legal costs	\$1,349
Consultation fees	\$3,685
Implementation of the Strategic Plan	\$777
Forest development plan exam	\$0
Interest and bank charges	\$372
Depreciation, amortization	\$1,093

Allocation – Forest development plan exam	\$10,000
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Subtotal - JBACE	\$298,065
COMEV secretariat	\$30,000

Total operating expenditures

\$328,065

* The Financial Statements and Notice to Readers, prepared by EMILIE GARNEAU CPA INC., Chartered Professional Accountants, are available on request.

